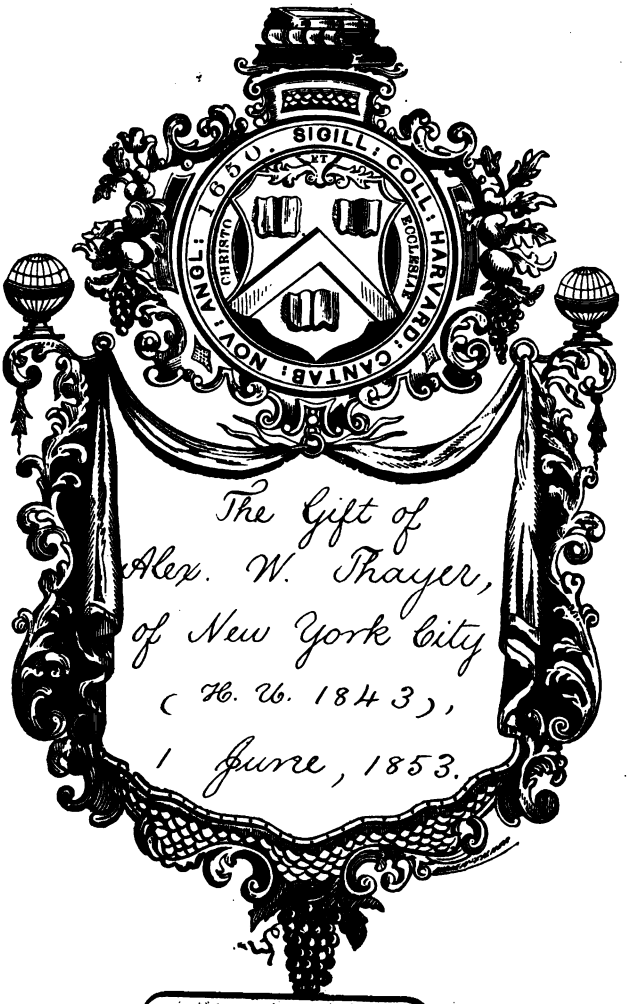

The Gift of
Alex. W. Thayer,
of New York City
(H. U. 1843),
1 June, 1853.

THE

Naval Institutions of a Republic.

AN ADDRESS

WRITTEN FOR

THE IRVING LITERARY INSTITUTE, OF THE CITY OF ERIE, PA

BY WM. MAXWELL WOOD, M. D.

SURGEON U. S. NAVY

Author of "The True Sources of Subordination," "Wandering Sketches in South America Polynesia, &c." "Hints to the People on the Profession of Medicine"

PUBLISHED BY REQUEST.

SECOND EDITION.

AUBURN: DERBY & MILLER,
BUFFALO: DERBY, ORTON & MULLIGAN.

1853.

NOTICES OF THE PRESS.

New York Tribune.

"The whole address is earnest and patriotic, and well deserves the attention of the public."

Philadelphia United States Gazette.

"His present address is a well-written and energetic argument in favor of general reform in the Navy, and such reform as would assimilate it in form, as far as possible, with the republican institutions of the country."

Norfolk Argus.

"We would invite the scrutiny of Congress to our Navy. It is anti-republican in its every feature. The people of this Republic are interested, deeply interested in such a scrutiny by the Legislature as shall render the servive compatible with the democratic genius of our government.

"We have just read a most able and conscientious exposition of our Naval Service, styled 'The Naval Institutions of a Republic,' by WM. MAXWELL WOOD, Surgeon U. S. N.

"This is not a work of demolition as attacks upon inefficient institutions usually are; but it is one altogether of a restorative character, and enunciates with full confidence and solid reasoning, the appropriate remedies required in the premises."

Cleveland True Democrat.

"The character of this able pamphlet is such, that, were a copy of it placed in the hands of every voter in the country, or in those of even a majority of its voters, we believe our present Naval system would not be suffered to exist another twelvemonth. In our opinion, that is just as certain as it is that those voters are not destitute of heart and brains. Yet, the author is, himself, obviously a dear lover of the Navy, and seeks only to place that arm of the National defense on a Republican foundation."

Erie Observer.

"Let every citizen read this pamphlet and ask himself, what duty requires of him on this subject? and the answer will come from every corner of this broad land 'Reform! Reform!' and the cry will echo and re-echo until its accomplishment will triumph, and the deep roots of ancient tyrannical usages will be eradicated.

"We confess that we were never more surprised in our life, than at the absurdities and monstrosities of every kind in our naval organization, which are made apparent in this clear, candid and truthful little production. We wish we could induce our legislators to look into this work and undertake the reform proposed."

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BUFFALO, N. Y.

Erie, Pa., Feb. 11, 1852.

Dr. Wm. M. Wood, U. S. Navy,

Dear Sir:—The undersigned, citizens of Erie, believing that your Address, delivered before the Irving Literary Institute, both from its character and sentiments, is eminently calculated to promote the public good, would most respectfully request of you a copy for publication.

With sentiments of high regard we remain

Yours, &c.

Signed GEO. A. ELLIOTT,
E. BABBITT,
B. B. VINCENT.
W. POYNTEL JOHNSTON,
I. B. GARA,
B. F. SLOAN.

PREFACE.

Reform; naval reform is the general cry. Every rank and grade of the navy calls for it.

Those who hold the position of command, say; there is no efficient discipline, and we have more trouble with officers than with men. Put two gentlemen of the highest grade in the navy on board ship — one to command the ship, and the other to command the squadron to which she belongs — and even though they both be men of good sense, and good feeling, the ill-defined position of each soon leads to discord and dissension; and, if the government is not burdened, and the service disgraced by a court martial, one is compelled to abandon the duty which has been assigned him, and to return to his home.

"I have the command of the ship," says one captain, "assigned me by government, and your interference is an infringment of my rights."

"If that is your view," says the commodore, "I am but a passenger here, and one of us had better go home."

"Reform!" cry the subordinate grades of the line: "we have no defined rights or duties, and are old men in junior grades, some of us, even, in that of our apprenticeship." "Reform!" cry the staff corps, "we grow old in the service, not only without any progressive rank to mark our length of service, but without any defined rank, to protect us against the assumptions and arrogance natural to military power.

Each grade has the remedy for the single defect apparent to itself, whilst almost the whole country cries out, in conjunction with part of the navy, "Throw the grog-tub and the cats overboard, and all is right." This is sheer quackery; it is treating the single symptoms, by a pretended panacea, whilst the diseased constitution is untouched.

There is an entire want of conformity between the

organization of the navy, and the character of the people and country to which it belongs; and sooner or later, one must be brought into harmony with the other; the sooner the better, for all concerned.

We have inconsiderately "put new wine into old bottles;" and patched an old and rotten garment with new cloth. We have put the new and elevated energies of our people into the old forms and institutions of past ages.

The remarks of this lecture, upon the evil influence of our naval institutions must not be construed into a sweeping declaration, that every individual is corrupted by them. Forms of government, forms of religion, despotism, monarchy, aristocracy, Mahometanism, may all be attacked, as not the best institutions, without any imputation upon those who live under, advocate, and adhere to them. Whilst there are honorable, upright, and intelligent men in every grade of the service, its organization is not such as to give to these qualities their proper influence — the same as they would have in civil life — or to prevent the undue ascendency of those of imperfect character.

To effect reform in the navy, the subject must be taken up by the people; if left to navy boards, it is too apt to be lost in the influence of preconceived opinions. The general principles of naval government, make too low an estimate of the material it deals with; there are not appeals enough to man's higher nature. Napoleon is an authority, worth listening to, upon this subject, he understood the matter when he said,

"Mankind are, in the end, always governed by superiority of intellectual qualities, and none are more sensible of this than the military profession. When, on my return from Italy, I assumed the dress of the institute, and associated with men of science, I knew what I was doing; I was sure of not being misunderstood by the lowest drummer in the army."

This being the principle, it is our duty to get the best ability in the highest place.

ADDRESS.

GENTLEMEN OF THE IRVING LITERARY INSTITUTE.

In reply to the invitation, extended to me by your Society upon a former occasion, I had the honor to write you a lecture upon subjects, in my opinion, appropriate to the purposes of your organization, and being willing, so far as lies in my power, to contribute to your efforts for the public good, I again submit to you an essay, which, in default of other and more competent respondents to your call, may aid in the accomplishment of your views.

I have chosen as the subject of my remarks, "THE NAVAL INSTITUTIONS OF A REPUBLIC."

Principles and Facts.

A service of nearly a quarter of a century in our own navy has afforded me the opportunities for observing to some extent, and reflecting upon, the nature, peculiarities and wants of naval institutions. The correctness of my judgment, and the feasibility of my views, it is for time and others to determine.

Feeling it to be my duty, as an honest citizen, to communicate to the people — the real owners of the navy — facts which my official position has enabled me to learn, and which the interests of both navy and people demand should be generally known, I have done that duty and leave the matter with you.

The subject is one of great and varied interest to this nation — of interest in a political and pecuniary point of view. All that concerns the condition and constitutional organization of the individual states of this confederacy is considered of general interest; and particularly would it be so, if there were any features of an individual state, inconsistent with, or adverse to our principles of republican government.

Your navy is a most important state; it belongs to you all; it is limited by no boundaries short of the entire world; it represents you amid the gilded thrones of Europe — in the distant isles of the ocean — amid Arctic savages and snows — and to all nations and peoples on the Atlantic and Pacific coasts of this vast continent. In a pecuniary point of view, the navy claims the attention of prudent and practical men. The annual expenditure of this nation for military purposes, is more than half the entire expenditure of the government. The annual expenditure for the navy alone, is more than one-fourth of the whole national cost — including that of Congress, the Executive, the Judiciary, Foreign Ministers, and miscellaneous.

The annual expense of your navy is more than the annual cost of the six New England states, the great state of New York, and New Jersey together. Then, surely, such an institution is worth your attention; and it is the duty of the people to see that so important an organization is not one which defies the principles of our government, and gives the lie to all the political theories of our constitution.

The history of the navy, or of any similar institution, is not alone the record of its deeds, be they glorious or ignoble. Its deeper and more significant history is to be found by an inquiry into the influence it has had upon principles; in destroying or modifying those in existence, or, in creating new ones; its influence upon human rights, political institutions, and the relations of men to each other.

The capture of an enemy's ship or squadron is justly a subject of national and patriotic pride; it is enthusiastically hailed by loud huzzas, from one end of the Union to the other. Let us beware, lest, amid the rejoicing, we lose sight of some false principle, stealing upon us in the noise, the fire, and the smoke, marring the beauty of republicanism, and corrupting the purity of our institutions; let us beware, lest the victory has a dearer purchase than blood and treasure, and be careful that the flashing glory do not sink into a darkened shame.

When history was written for the gratification of great personages, it charged upon republics ingratitude for public services. Now, that history is being

written for the people, it discovers that individuals may value their services too highly, and cry out ingratitude, unless, in addition to the just award of glory, their country places itself, its institutions, and its fortunes at their feet. When people have permitted their gratitude to go thus far, we have Cæsars, Cromwells, and Napoleons. In like manner, a grateful nation may, in the glory of an institution, lose sight of the increasing despotism of its principles, which, worse than personal tyranny, live and grow from age to age; die not with the life of any individual, but require either a violent convulsion, or years of labor and patient perseverance to loosen their hold.

Under a monarchical and aristocratic form of government, a navy, like an army, or the church, may be organized, to meet two purposes; one, the service of the state, or the propagation of the gospel; the other, that of making places and provision for the members of aristocratic and exclusive classes; and in such an arrangement, the rules and regulations of government and discipline will be as much to keep up the prestige of aristocracy, as to affect a healthful and efficient organization.

Very different should be the state of affairs, under a republic. In it, there should be no exclusive classes to provide for, and all its rules and discipline might be concentrated in effecting the most efficient service for the state.

In this singleness of object, a republic, if it remained true to its character, would have great advantages over an aristocracy, in the creation of a powerful navy; and just so far as it condescends to imitate the organization of a monarchical institution, does it yield its high position, fetter its own power, and dwarf its greatness; it sacrifices the nation, and national interests, to individuals and exclusive classes.

The population of a republican navy consists of the efficient power of the crews, or men, and officers to direct and control it; both, equally citizens of the commonwealth which they serve, in different, but associated capacities. The arrangements should be such, as would secure in all grades, the best talent, and mental, and physical energies which the country can produce. The relations between these grades, their dependence, one upon the other, should be just that

which would best accomplish the national purpose, for which the navy is organized and paid, and in nothing should the one be made tributary to the personal pride and arrogance of the other. Definite laws should protect the rights of the inferior, or commanded class, and restrict the exercise of the controlling power to its legitimate use.

So long as a naval establishment observes these legitimate relations, and is in harmony with, and subordinate to, the political institutions of the country, its character will be both republican and efficient. But mark how stealthily, gradually, and insidiously change may come over such a body, even if originally organized upon proper principles. The class exercising military authority, is too apt to lose sight of its true official character, representing the laws of the land — an honorable and dignified station — it learns to feel that all the pomp and parade of high station is a personal tribute to those who receive it, and a distinction to them, as of superior blood to other men, with an intrinsic claim to higher privileges. From this error, it is an easy transition, to exact a blind submission

to every whim and caprice, as a necessary part of military subordination and discipline; to believe that they have no responsibilities, and their subordinates no rights; until, finally, it becomes more than a vague idea, that ships are built, men paid, and the navy kept up, chiefly for the benefit of the influential classes in the navy. Questions are considered, not so much in reference to the interests of the country, as in reference to the institution. Innovation is dreaded, and opposed, lest it should shake exclusive privileges. The broad principle of patriotism is narrowed to that of class interest; and any one who, faithful to the navy, would throw the protections of reform around its honorable members, and make the whole an honest, and working institution; any one who, with honest motives undertakes to point out existing evils and their mode of correction, does it at the risk of being stigmatized as a traitor to the service, and must be content to be hooted at by those, who, like foul birds, do not see the corruptions of the nest to which they cling.

Such are the gradual changes, which, without the constant vigilance of the people, may influence a

naval establishment, even if it had a fair beginning, which ours never had; and when this change has been effected, new principles have been introduced, entirely at war with republicanism. A privileged class has been instituted, to whom a large share of the wealth and honors of the country belong, irrespective of any claim of merit or service. The general character of our institutions has been departed from, and as positive a nobility created, as though its members received the titles of Lord, Earl, Marquis, or Duke — a more obnoxious nobility than belonged to kingly France, when her titles, instead of being the inheritance of families, were the meed of distinguished service. A subordinate instrument of the government has thus become an independent institution, and, without altering one word of the constitution of our country, principles have grown up contrary to its whole spirit and purpose.

Such evil influences are more operative during the quiescence of peace, than during the activities of war. In war, the value of every grade, and of each man in every grade, is felt; the work and the purpose for

which they are put there, are more plainly before them all; their responsibility to their country is more apparent, and commanding officers feel that their own position, honor and glory are dependent upon the hearty co-operation of all departments of the ships or squadrons placed in their charge: the instruments of success have then their proper weight in the work.

In peace, on the contrary, there is no such conservative dependence; there is no definite and great object before the eyes of all, to which their energies, in proper relation and subordination, are to be directed, and for which those relations have been established. It is merely seen that one set of men has great privileges and power; and that another set is subjected to the former; relations which, as we have seen, are apt to grow into false views of the position of each.

Naval Law.

In the year 1800, at the very commencement of this century, an act was passed by Congress, for the "better government of the Navy of the United States," and, incredible as it may appear, characteristic of stagnation in the midst of progress, this law of more than half a century's duration is that which governs the navy now, without a line or word of alteration, excepting the repeal, by the last Congress, of those portions which authorized the punishment of flogging, and the continuance of this improvement is now strenuously resisted. If this law had no greater age than that of its enactment by our Congress, it would still leave the navy far behind the progress of a progressive age, and in this respect there would be a want of harmony between the navy and the country; but when we come to examine this law, we find that it wears but the mask of the republic, and behind this will be seen the wrinkled features of a barbarian antiquity.

The two first articles open the law with injunctions

to commanding officers to observe the duties of honor, morality and religion, but no penalty for a disregard of the injunction is mentioned—of course any attention to them is optional. The third article relates to offences in which subordinate officers and privates may be implicated, and becomes a little more vigorous. It reads as follows:

"Any officer, or other person in the navy, who shall be guilty of oppression, cruelty, fraud, profane swearing, drunkenness, or any other scandalous conduct tending to the destruction of good morals, shall, if an officer, be cashiered, or suffer such other punishment as a court martial shall adjudge: if a private, shall be put in irons, or flogged, at the discretion of the captain, not exceeding twelve lashes."

When we come to examine the nature of courts martial, it will be evident that this pompous and cumbrous machinery is little likely to be brought to bear against "profane swearing, conduct tending to the destruction of good morals," or even drunkenness; and public observation teaches that much of this part of the law is a dead letter. Not so that which

prescribed the lash. The reports made to the navy department, and called for by Congress, show that, whilst the law permitted this punishment, it was dealt out with an indiscriminating severity, little, if any, modified by the character of the offence, and with a recklessness which should forever prohibit its restoration. The cats and the colt were relieving substitutes for energy, thought, and judgment in the correction of vice. It was much more easy to say "give him a dozen with the cats," than to exercise an intelligent and judicious prudence in selecting the remedy for crime.

The remaining articles, relating to such varied offences as "breach of duty, disobedience of orders, cowardice, negligence, disaffection, treachery, spies, murder, mutiny, sedition, desertion," have one uniform termination —"death!! or such other punishment as a court martial shall adjudge."

I would particularly call attention to the 31st and 32d articles, as characteristic of the enlightenment and spirit of the whole code.

The thirty-first says: "Any master-at-arms, or other person of whom the duty of master-at-arms is

required, who shall refuse to receive such prisoners as shall be committed to his charge, or having received them, shall suffer them to escape, or dismiss them without proper authority, shall suffer in such prisoner's stead, or be punished at the discretion of a court martial."

The idea of hanging a jailer because his prisoners escape, is nautically summary.

The whole of this truly wonderful code for the government of the navy is comprised within five octavo pages. The minute and specific law under which our army is governed, composes a volume of over three hundred pages, and on the front of this book it is written:—"Every officer of the army will be furnished with a copy; and it is enjoined upon them strictly to observe the rules therein set forth; and every change, alteration, or departure therefrom, unless sanctioned by the War Department, is *positively forbidden.*" Such a code leaves but little room for the tyranny, the caprice, and the dissension of individual opinion. But on the meager pages of naval law, at the 32d article, it is written:

"All crimes committed by persons belonging to the navy, which are not specified in the foregoing articles, shall be punished according to the laws and customs in such cases at sea."

Here is a broad latitude for the exercise of a capricious tyranny. Who is to be the judge of the laws and customs, when every commanding officer makes, to some extent, his own laws and customs, and the internal regulations of each ship may differ as widely as though they belonged to different services? If crimes were of sufficient frequency to have established usages, they admitted of definition and specification. This regulation unbinds the hand of power, and leaves the service open to capricious opinion. Under so loose and undefined a system, every variety of view and character impresses itself upon your national ships. One officer may encourage sobriety, morality, and religion; another pronounce these humbugs, but willingly give his men liberty to visit the shore for a drunken frolic, and then flog them for the language and conduct of intoxication.

A specimen chosen from the reports of punishment

from different ships, shows how absurd and unequal is the punishment of naval crime.

From one vessel we have a report of seventy-three cases of punishment in two months, for varied offences, and the record shows a uniform allowance of twelve lashes, the limit of the law, to every offence, with the exception of two, and in one of these the crime is "suspicion of theft," and for this the unfortunate suspected received six lashes with the cats on his bare back. From another ship we have the same offences punished with only six lashes on the bare back; and in a third the flogging is given over the shirt. Such are the different degrees of criminality as measured by punishment, attached to the same offences in ships of the same service. Such is the character of the code of law, which, without revision, amendment, or alteration, has governed the navy for more than half a century, and which, with the exception of the abolition of flogging, still governs it. Destitute of rewards and encouragements, destitute of securities for the natural rights of men, it offers no inducements for the respectable American seaman to enter the navy.

Although he may not be flogged now, he has nothing to look to beyond his subordinate station; and may, though characterized by every good quality, be confined, for months, within a few yards of the shore, to the narrow limits of a man-of-war, and tantalized by seeing officers and officers' servants hourly passing in and out of the ship, enjoying a freedom denied to him, who finds the floating castles of your country but prisons for their defenders.

The history of mutinies, from those of the Nore and Spithead, down to those in our own service, shows that one of their most effective causes has been the confinement of men on board ship; one of the first demands is for liberty to visit the shore; and the fact that all authorities, from officers of ships up to ministers and kings, have been compelled to yield to those mutinies, is proof that discipline cannot be effected by severity; and also that law should secure to ship's companies the privilege, when duty would permit, of freely visiting the shore. The opportunity of getting out of a ship under such circumstances becomes an intoxicating excitement, and leads to excess; whereas, if the privilege of liberty,

like that of food, was guarantied by law to the deserving, it would become a natural enjoyment, instead of a morbid excitement.

I have seen the strongest men tremble with agitation, at the privilege of visiting the shore for a few hours, after long confinement on board ship.

Can desertion, under such circumstances, be a matter of surprise? The very human nature of men is driven to crime by the imperfection of the law, which then comes down with its bloody penalties.

With such an organization can you expect to create an American Navy, from such stuff as American citizens are made of? Would it not be a disparagement of our boasted American character if you could? The best tribute to our country, and severest commentary upon our navy, is found in the fact that so many foreigners enter our naval service.

If it were possible that such a code as governs our navy had been devised by wise heads, after careful deliberation and with an intelligent adaptation to the institutions of our country, and the character of our people, it would still be likely to require alteration and

improvement; but, I may ask, does this law bear one single feature of our country in all its changes from the stern landing, upon a wintry rock, of the freedom-seeking Pilgrims, to the waving of our national banner over the golden hills and pearl-gemmed waters of our new Pacific ocean state?

Its Old Age,

It does not. This code of law is older than our government, older than our people, older than modern civilization! As a pretended American law, it is an imposture, disgracing our statute books. It is a blind copy, almost word for word, of the British articles of war, framed under George 2d, in 1749, one hundred and three years ago, but actually based upon, and embodying the ideas, condition of things, and spirit existing at the remote origin of the Royal Navy. This is your American, republican code of naval law. But were it a code proposed or devised at the present day for the British Navy, it would still have no applicability to a single feature of our country.

One nation has its people, artificially separated into

ranks and classes. Those who serve, are regarded as of another blood from those who command.

The other nation acknowledges no difference between men, but that which shall be made by the inequality of talents and virtue. It takes its highest functionaries from the most humble occupation; and might find its chief magistrate in one who had been a common sailor, as it has in one who had been a common soldier, provided he had the vigor of intellect for the duties of the station; it acknowledges no government of hereditary succession, or divine right, which may make a chief ruler of a feeble infant, or a weak woman.

The seamen of one nation belong to a fixed rank, or class, so low in the social scale as to be below the sense of degradation, the stimulus of ambition, or the protections of pride. The seamen of our country may represent a respectability equal to that of their commanders, or civil rulers. Such broad distinctions would alone be sufficient to prevent the adaptation of a British aristocratic, monarchal code to our republican navy.

Here is a picture of the royal navy which furnishes the code; not drawn by foreign prejudice, but given by a Briton himself:

"Founded at a period when slavery was universally tolerated, from liberty being comparatively speaking, unknown, the first record we possess of what may fairly be termed a royal navy, goes back to the reign of the 7th Henry, who, in 1488, caused the Great Harry to be built and launched.

"The arbitrary measures which, at that remote period, directed every department of the state, naturally extended to the maritime service, and while the brutal and irrational system of impressment formed the means of manning the navy, the allowance of pay and provision were worthy the system which provided the seamen to consume them.

"Of all the anomalies which have proved a reproach to the British constitution, and an inherent cause of gangrene and disorder, the press-gang has been the most odious in its origin, and the least excusable from its results. Under this remnant of feudal villanage, the arm of undiscriminating violence was made to sweep

up for the noblest uses of the country, all who were so poor, so ignorant, so unfriended, or so vicious as to be thrown at large upon the highways of the empire, without the protection of those inconsistent immunities which arbitrarily acquit the wealthy from protecting their own possessions, to force this onerous task upon those who have nothing to protect. In a community where reason had the slightest voice, or justice the least authority, it would naturally be imagined that those possessing nothing to make life cheerful, should, at any rate, be spared the cares which Providence has fixed as the alloy of prosperity.

"In contradiction of every axiom of this equitable nature, the abject and friendless were seized for no crime, but their poverty and insignificance, and imprisoned in our men-of-war, after no trial, save the capricious will of our inebriated master of the press-gang. Thus a number of outraged individuals were collected in our fleets. If they behaved well, fought the battles of their country, and drudged unrepiningly through the severe life of privations, which alone the navy has to offer, they become valuable to their

tyrants, and thus unwittingly riveted around their own necks, the chain of that servitude which has to gall them through life.

"When the pen of truth records the atrocities of such a system in the nineteenth century, which still witnesses its inactive existence, the mind, unaccustomed to dwell upon such a complicated detail of villany, can, at first, scarcely credit the demonstration of such facts. But the press-gang was merely the first step to the barbarities which, in the Royal Navy of Great Britain, ignorance and helplessness have suffered on the one side, and cruelty and power have inflicted on the other.

"Our fleets having been manned by a force so resistless and relentless, the unhappy wretches imprisoned on board, were treated in every manner befitting felons condemned to so awful a punishment.

"The unoffending being captured by armed violence, for the naval service of the state, was only allowed, but at rare intervals, and in many cases, never again to land upon that shore with which every thing worth estimating in life, was connected. From the hour he became an involuntary seaman, he was too often cut

off from all communication with friend or relative, and generally sent to an unhealthy climate.

"There, predisposed to disease from the sudden transition, life was either lost, or rendered merely a burden for the future; exposed to a duty harrassing in the extreme, he was placed under the absolute disposal of a petty monarch, whose slightest caprice, was indisputable law; yet, under all these oppressive afflictions he possessed no appeal from any wrong, save to a code of jurisprudence, so severe, that every line appears to have been traced in blood, and every other penalty is a shameful death!"

In addition to these press-gang victims, the jails were emptied to man the fleets; and the code of laws devised for these captured slaves and jail felons of a despotic government, is that which we have condescended to adopt for the government of a navy of voluntarily enlisted citizens.

But the picture is not yet complete; the poor wretch felled beneath the club of the press-gang, and torn perhaps forever, from his family and home, with the fiendish humanity worthy of such a pandemonium,

has the intoxicating draft presented as the balm for his sorrows, that his whirling brain may lose, in this new frenzy, the madness of his wrongs, and all the respect of the man be sunk to the level of his associate felons, to whom the same cup comes as the familiar solace of vice. All this you have borrowed, too; the spirit-room and the rum cask, still disgrace your national vessels, and the roll of the martial drum is daily heard, calling your crews around the "grog-tub," to receive the potion which shall send them away with inflamed bodies and fired minds, ready for the quarrels, the insolence and insubordination to their officers, which, heretofore has consigned their backs to the "cats," and still turns the sailor over to handcuffs, imprisonment, and the sentry's charge.

The whole system is, clearly, one calculated to manufacture crime, to degrade man, to nurture the spirit of cruelty, and to supply the food for its exercise. The degradation is not confined to the masses; the contact of officers with such men, the disgusting criminal police duties, growing out of the those relations, have a deteriorating influence upon all. How long

shall this system be permitted to continue? The people of this nation are responsible for its existence, and every citizen who does not do his utmost for a reformation, is responsible for the evils he may deplore and condemn.

I know that our naval triumphs are pointed to as a reason for a continuance of the system under which they have been won. They only prove the difficulty of eradicating all that is noble in man; under the worst influences, and after the loss of every other virtue, he still has left that animal courage, which leads him to desire and strike for victory. The navies of Europe, under the worst possible institutions, have won glorious victories. The debased machine soldiery of Europe has won splendid triumphs, but they were as nothing, compared to the magic glories of Napoleon, who peopled his army with citizens, and opened the way from the ranks to the marshal's baton. The history of our glory does not prove that crime, intoxication, and degradation are essential to glory, whilst, upon the contrary, all history does prove, that the more elevated in tone and character a military body, the greater are its incentives

to action, the less the trouble of its government, and the more sure the probabilities of success.

The routinists of Europe were frequent in their predictions that our militia would always be easily scattered by defeat. The events of the late Mexican war, dissipated their theories in astonishment, and then the press of England proclaimed that the American army, was an army of Knights. Why, from the same materials, cannot we have a navy of respectable American citizens? We can, and we will.

Ships without "Cats."

But where will the reforming influence come from? Whose business is it? It is the business of none so much as the people, and they must impress their wishes upon their representatives in the national legislature; otherwise, what is the course the matter takes? Persons interested in a particular measure of reform bring it singly and alone to the notice of some member of Congress; he is pressed with what he regards as more important business, and which may, in reality, be more important than the single measure to

which his attention is asked, but can scarcely be more so than the general defects from which the single evil springs. He is referred to some other gentleman, who is more prominent in naval matters, and this latter, perhaps, owes his prominency to special views, derived from some relative, or intimate friend, in the service, and is already prepossessed against the innovation. The proposition can scarcely get a hearing. Suppose, however, it advances a step farther, and attracts general attention; it may then, with the best intentions, be referred to the executive, and by this to a navy board, with all its prejudices arrayed against change and improvement. "Boards are screens," says Jeremy Bentham. Thus reform revolves in a maelstrom which finally swallows it up.

That gentlemen who, from childhood, have grown up under the present system strongly advocate its continuance, should not cast any imputation, either upon their intelligence, or the honesty of their opinions There is nothing which so controls the judgment and the opinions of the most powerful minds as the systems and institutions under which men have had their

minds formed. It is almost an impossibility to shake off this influence. Even the restoration of the lash is strongly advocated by gentlemen in the service, of honorable and upright purposes and intelligent minds. At the first view, this seems like the irresistible testimony of practical experience. But, is it such? In all inquiries after truth, it is a principle to measure the value of testimony by the bias and influence under which it is given. These gentlemen were honestly opposed to the abolition of the lash, and, consequently, were not in that unprejudiced condition to give the reform a fair trial. Would any administration commit its peculiar principles to its opponents, however honest and intelligent, and expect them to be reported upon successfully? The enemies of a measure like this cannot give it a fair trial; and, conceding to most, honest efforts to do so, there may be some who would willingly throw odium upon the measure by creating obstacles to its success. Until the attempt to command national ships without the lash shall have been committed to those in favor of its abolition — those not bound to the notions of a lifetime — there is no

testimony upon the subject which meets the character of available evidence; it is all mere one-sided opinion. By this same kind of testimony, given by the most powerful minds and honorable men who have ever lived, it can be shown that human happiness and prosperity are dependent upon "sovereignty by divine right," hereditary aristocracy, church establishments, entailed estates, and primogeniture, all of which we deem fallacious impositions upon men; and there is no institution so glaring in its wrong but it will find advocates in those brought up under, even though oppressed by it.

One of the most distinguished and deep thinking philosophers of England has illustrated this tendency by the assertion, that if it was proposed to introduce a law authorizing the king, at pleasure, to murder any number of his subjects, there would be none to second it; but if, such a law being in existence, it was proposed to repeal it, if it passed at all, it would only be at the end of a considerable number of years; during which, every session, would have been emptied upon it the whole quiverfull of those fallacies irrelevant to

the proposition they are employed to combat, and having an equal force in their application to others.

To get at the truth of this matter, say to those officers who are not committed against reform, who are not the fossilized conservators of usages a thousand years old, "Those of you who can successfully command ships without the lash shall be promoted to the rank of command;" then permit them to recruit their own men, shut up the grog-tub, give them a system of rewards as well as punishments, suited to the character of our times and people, and then, if you take the testimony of all, you will reach the truth; its golden sands, instead of being swept on by the rushing stream of prejudice, will be deposited in the eddy of conflicting opinion and experience. Do this, and you will hear no more of the necessity for the lash for the government of American seamen.

Appointments.

Having thus indicated the defects of naval government, I will now direct your attention to the fact, that the plan upon which the navy is officered is anti-republican;

does not present the opportunity of getting into the public employ the best abilities, and may exclude those who have the best claims and the most fitness.

When appointments are to be made to the lowest grade of officers in the line of promotion — midshipmen — instead of being thrown open to general competition, and given to those who, after a proper examination, give evidence of having the highest mental, moral, and physical qualities for the station, they fall only to those youth who have the aid of family or political influence; and thus your officers are made by accident, and not by the claim of capability. Fortunately, the general character of the youth of our country is such that a majority prove worthy of their selection, and under congenial circumstances would develop high character. But the questions are: Is the plan republican? Is it the most expedient? Is it honest, either to the country, or to the youth of the country? It is neither. That plan is not republican which does not offer an equal chance of elevation to the deserving, be he the child of the chief magistrate, or of the most humble citizen. It is neither expedient, nor honest, for either

party, if it diminishes the chances of securing the best services for the use of the country, or excludes those capable of rendering them from a trial of their merits. Whilst the accident of influential friends may pension upon the country an unworthy incumbent, the friendless youth who, gifted with the qualities to honor his country, desires an opportunity of serving it, must seek it, as an enlisted hand, at the rendezvous; and once there, the stigma of caste is upon him; he is in a class from which officers are not made; encircled by a rigid barrier of inferiority, and cut off from the hope of elevation, he soon ceases to deserve it.

"Excelsior" is an impulse of the American heart, and whilst this impulse beats, our youth will not enter an employ which binds them to inferiority; consequently, by this plan, we inflict a double injury upon the country. We exclude respectable young men from the ranks of the navy, and, as above stated, we limit the chances for the best selection of officers. Suppose that when vacancies occur in the junior grade of officers, they were, in the true spirit of republicanism, thrown open to general competition, and given to

the most competent; the probabilities are that those who had the advantage of some nautical education, with other proper acquirements, would have the best chance of success; and thus would be established a principle elevating your whole naval service; instead of being the hiding place of the reprobate and criminal, those who need

——"The hangman's whip
To haud the wretch in order,"

would find no home in your ships. They would be peopled by the energetic, the enterprising and respectable youths of the country; and with such crews and such officers, defeat in war, where victory was within the scope of human effort, would be impossible.

But what is better, your ships, instead of bearing to other nations the wretched and servile imitations of their own deformities, would carry your country abroad in all the features of its noble, beneficent, and original institutions. Navy and country would be in harmony, and your squadrons abroad evidencing more than the physical power of the nation, would throw

light into darkness, would be eloquent teachers to despots and their victims, of the humanizing influence of all institutions organized upon an acknowledgement of the rights of man; and their presence in peace would do more than their armaments in war to shake down old traditions, and to disenthrall our fellow men.

Such are some of the principles for the organization of a republican navy, but we have not yet completed the work.

Seniority.

Defective and unjust as is the mode of appointment to the navy, the principle which decides promotion to the higher grades is still more defective, and is calculated to impair the good qualities which may, accidentally have been brought into the service by the young officer.

It would be thought very senseless, ridiculous and absurd, if it was proposed that those of your borough and county magistrates who lived the longest, should be the judges of the Supreme Courts of the states, and

those of the state judges who lived to the greatest age should form the Supreme Court of the United States, or that the longest-lived members of the Legislature, should be your representatives and senators in Congress. Absurd as such a scheme appears, it is precisely that upon which naval promotion is regulated.

The youth who has gained admission upon partial selection, when he arrives at twenty-one years of age, is examined as to his character and acquirements. If successful in this examination, his destiny for life is fixed. This test in his early youth determines the duties, honors and station he shall fill at thirty, forty, fifty, sixty, or more years of age, no matter how much his character may change in the mean time, or whether, being fit for one class of duties he is entirely unfit for others. The simple rule is, that the longest liver shall have the highest rank, and the most pay. Such is the seniority rule of naval promotion. The unrepublican character of this rule is manifest. Honor and station being the consequence of the accident of long life, constitute a nobility as much as if they were the accidents of birth; a nobility existing independently

of the ordinary responsibilities of men. A mechanic, business, or professional man is dependent for success upon the abilities he shall establish in the community to which he belongs; so is it with your public men ; and if these shall, in the progress of their lives, forfeit the confidence they had once merited, they lose the public support. Not so with the naval officer; his promotion is independent of the community to which he belongs. The officer of the highest talents and most efficiency may grow old in an inferior station, whilst the most inefficient may occupy the highest. The disastrous effects of such a system are painfully evident in our naval service, and common sense ought to have anticipated them. In the first place the ordinary incentives to continued labor and improvement are removed. What good can it do the individual? None, officially. In truth the rewards of such a system are for worthlessness and incompetency; because, if an officer becomes known to the service, and to the department, for objectionable, or incompetent qualifications, he is not put on duty, but permitted to remain at home, on good pay, whilst those of better reputation

do his duties, and yet if he lives up to a vacancy in a higher grade, unless he is eminently notorious, he steps into it with its rewards and honors. The consequence of all this is, that those officers who represent the greatest vigor of age, and of mental and physical power, are growing old in subordinate grades; some of them in that of apprenticeship. There are now many passed midshipmen, older than were Perry, McDonough, and Decatur, when they achieved the victories which have given their names to history.

Courts Martial.

But, it will be said to me, you have your judicial tribunals; your courts martial; true, we have; and fit courts for such a state, keystones of the whole arch of wrong.

In civil life, just and wise laws provide that every bias of interest shall be removed from the judicial bench, and particularly, that every influence hostile to the prisoner, shall be provided against. In courts martial just the reverse is the state of things; every

interest and prejudice of power; every influence of grade against grade, of station against station, is in operation, to say nothing of the bias of personal partialities, and enmities growing out of the relations of service.

An assemblage of men in solemn state around a table, each one glittering in gold, embroidery, and epaulets, has an imposing effect to the eye; but it is our business to look behind this covering, at the human beings and human hearts it disguises, and we shall find them with, at least, all the ordinary defects and weaknesses of our imperfect nature.

Even if there were no truth-distorting influences to act upon these defects, the habits of thought, the acquirements and the occupations of those who constitute courts martial, are not those which best qualify men for judging evidence, and sifting hidden truth from contradictory, artful, and interested testimony. Some conscientious and intelligent officers admit this themselves. The members of courts martial being always commanding officers, or those exercising military authority, if a subordinate is brought before them for

trial, or one of their own number is arraigned for acts of oppression, the question is not between two equal individuals, before a disinterested tribunal, but between two hostile principles; between that of power, seeking increase and irresponsibility, as power naturally will, and that of men, defending at least, supposed rights — and it is left to power, and the sympathies of power to decide it. It is unnecessary to say what that decision generally would be.

Further, there are grades in the service, representing your most important interests, and a conscientious performance of the duties of these grades, may bring the officers of them into conflict with those who will bear no questioning of their authority. The questions may concern matters of which the officers to whom they are entrusted, can alone judge, or, at least, can best judge, and yet these officers are never permitted to sit in courts martial, even when one of their own number may be tried for a conscientious discharge of his duty. The interests confided to these officers, require as great an amount of intelligence and acquirement, and as honorable a character, as possibly can be demanded by any

naval duty. For instance; there is a grade of officers to whom is confided the responsibility of administering the finances of your ships; each of these officers give heavy bonds for the faithful and honest performance of his duties. There is another grade to which is entrusted a responsibility, for the health and lives of ships and squadrons.

A commanding officer may do that which would endanger the public funds, and involve the disbursing officer and his bondsmen; or, he may, without cause, neglect the precautions, for the preservation of ships and their crews, from disease and death. In either case, the disbursing, or medical officer, for doing his duty, may be arraigned before a tribunal of the sympathizing associates of his prosecutor, without the presence of a single officer of his own grade, to aid in the investigation of truth, and to diminish the chances of an erroneous and unjust judgment.

The decision, a few years ago, of one of these courts was such a violation of evidence, truth, and justice — the question being between a medical and commanding officer, just such a question as we have stated—that

an indignant, and independent secretary of the navy annulled the proceedings; in a letter of caustic severity, severely censured the court, and yet, the members of that court are in high and honorable station, and eligible to other courts martial, and most probably have sat in them.

An essay published by myself ten years ago, contained the following words.

"In the national legislature, constantly varying with the varying politics of the nation, the navy has no permanent and practically informed representation. The presiding officer of the navy department deriving his official existence from the same unstable contingencies, that existence is but temporary with the individual; consequently, each new Congress, and each new secretary derive their information from, and have their actions controlled by those engaged in service, and naturally seek their advice and directions from the highest grade in it; a grade which has the advantage too, of holding with them intimate social relations.

"Commanders necessarily become, from these circumstances, the creators of the powers under which they

act; and the court of appeal from their own injustice; powers, which would tempt angels from their purity, and which tend to launch humanity upon an unbounded sea of corruption." Soon after the publication of this essay, I received from London, a volume by an English writer, upon this subject, from which I make the following quotations, and I do it, to show that if two persons, divided by the Atlantic, without communication, come to the same conclusions, the one respecting the iniquity of the original system, and the other respecting that of its deformed progeny, it offers some evidence that their conclusions are correct. Unless the innovating hand of reform strikes down the evil planted upon our soil, and originates improvement, there can be but little hope of our borrowing it from sources which have sent us the evil. From the writer alluded to, I quote the following remarks upon courts martial. "The only court known to naval law, by which wrongs could be redressed, and injuries punished, was a court martial. Under the blood-thirsty enactments to which we have alluded, these courts martial were composed exclusively of admirals and

captains, and if the party tried was of this rank, there naturally arose a prejudice of the court in his favor. On the contrary, if the party complaining, were beneath this rank, there naturally arose a prejudice of the court against him. All the oaths that were ever taken by mankind, are insufficient to turn back the current of the human heart; this bias might have been most abundantly made evident in numberless instances, that have since occurred. So perfectly well known has this feeling ever been, and so prevalent does it still continue to be in the British Navy, that an axiom has been generated from long experience of its truth — that no man, however completely in the right, can safely venture to bring a charge against a superior officer, without being irretrievably ruined in the service.

"That the barest semblance of justice can be retained, under such an iniquitous system is impossible and that it is to be borne without murmuring, by any but a set of helots, is equally unnatural.

"The climax of this thrice revolting mode of government, has yet to be told. Whenever, by any

interposition of Providence, some unblushing tyrant, after an uninterrupted career of cruelty and power, committed some crime so flagrant, that not even the abettors of this system could pass it over — whenever the long reluctant hand of authority was obliged to order the criminal to his trial, and even his prejudiced compeers were unable to acquit him — when all these too rarely occurring events of Providence brought about that extraordinary effort of justice, the cashiering a culprit from his rank, the convict retired awhile, it is true, from the command which he had disgraced; but some parliamentary, or other influence, was always ready to be made with a corrupt minister: and after a temporary secession, and most inadequate punishment, he was restored to that rank, which he had so infamously abused, and in which he was again placed to enjoy the opportunities of torturing one of the most valuable, best-disposed, and ill-requited classes, in the kingdom.

"By the laws of England, the felon who commits the most brutal of all crimes, the most savage of murders, can only be tried by twelve of his equals. Of

these, he has not only the unlimited right of rejecting as many as are open to any legal cause of objection, but a further privilege of dismissing from the jury-box, twenty more, without assignment of reason or cause." Against this humble wretch, the merciful majesty of English justice, allows not one word to be urged in prosecution, that can possibly prejudice the prisoner's case; not one particle of evidence to be received, that is not in strict accordance with those laws and precedents which the experience of ages, and the most refined wisdom of English judges have laid down through the long practice of centuries. Not one witness is permitted to open his lips against the prisoner, without being subjected to the severest scrutiny as to his means of knowledge, his motives, his own previous good, or bad character, and the degree of credit which may be attached to what he swears. The whole proofs against the criminal are then sifted by a judge, whose entire life has been devoted to the law, and the investigation of truth.

"Every possible care seems exercised, not only that the seaman shall not be tried by any one, who can be

imagined his peer; but, that a set of jurors or judges, call them which you will, shall be got together with every possible prejudice of rank, station, habit, and command, militating against the lowly and unfortunate prisoner.

"As this mockery proceeds, the worst evidence is as often admitted as the best, and hearsay finds quite as much admission from the skillful tribunal, as direct testimony. But for this glaring absurdity, and rank injustice, there is a weighty reason; scarcely one, if any, of the judges could command the knowledge necessary to distinguish the one from the other. If the most perjured and forsworn of witnesses presented himself against the prisoner; the only attempt that can be made to supply the want of that safeguard of our personal liberties and happiness, cross-examination, is the slow administration by the prisoner of such questions as the court chooses to allow, and which must generally, if not always, be written down before the witness can be compelled to answer them. By this almost inconceivable folly, the sole hope of examination, rapid question and answer is swept away, and

the corrupt perjurer, the malicious forswearer, gains the most ample time to fabricate any untruth that may most conduce to his ends.

"The prisoner having made his defence, the court is cleared; those who have dovetailed the widely and properly-revered officers of judge and jury, hold a secret conclave with closed doors. No impartial head, clear from the agitating and often distracting responsibility of pronouncing on life or death, reads over to them the evidence, or lends the light of past ages and experience to elucidate what is dark and doubtful. Be the prejudices and liabilities of those men what they may, they are left to expound the statute by which alone, their authority is supported, to decide how far the facts come under the exposition of the statute, and to apportion the degree of punishment to the facts; an extent of powers, which, on shore, it often requires jury, judge, and crown to compass.

"If those only, are free whose liberties are unshackeled; if those are slaves from whom such liberties are withheld; if the first right of liberty be as Britons boast, a fair unbiassed trial, and English courts

of justice form, as mankind generally admit, the most perfect specimens of even-handed justice, what then, let it be demanded, is the position of the officers and seamen of the British Navy, at this hour? Are they freemen, or they are slaves? This is clear, under the present system of naval courts martial; justice as it is known and worshiped on the shores of Great Britain, is a thing as little to be expected on those high seas from whence the greatness rose, as that the sun reflected on their eternal mirror, shall renounce his light."

Thus does the honest subject of an aristocratic, monarchical government, stigmatize the enormities of that court martial system, which we, of republican America have condescended to adopt.

Do any of you think it consistent with the character and institutions of your country? Is it a judicial system, calculated to winnow the navy of that defective material, which your partial system of appointment may have introduced, or which the deteriorating influences we have examined, may have created.

Some other plan then is necessary, to remedy defects which have now become so apparent, that the

navy itself, congressional committees, and the executive have all proclaimed the necessity for reform, and ask for its institution.

One plan proposed is, to annul the blind seniority rule, and leave with the executive the discretionary power of promoting by merit. As nothing could be worse than our present system, so any change would be an improvement, and, therefore, even this might be acceptable. The objections to it are, that the executive would be ignorant of the characters of officers generally, and would be influenced necessarily, by information derived from others; and these would be the few officers of high rank, in immediate contact with the government, and thus the real power of selection, would be with unknown and irresponsible persons; a kind of secret tribunal, which could thus gratify the personal partialities or prejudices of its members. This method of selection would likewise be open to family or political influence.

Another suggestion is, to commit the selection to a regularly constituted board of officers. Similar objections lie against this; it would make all subordinates

dependent upon the good feeling of the few officers likely to constitute the board, and the personal predilections of these would have too much weight. It is suggested as the best plan, and that most conformable to republican institutions, to make each entire grade a board, to say which of their number have the highest claims for promotion; every officer being required to give his opinion, and prohibited from voting for himself. The president still having the nominating power, his judgment would be aided by the most instructed information, derived from the verdict of the entire community to which each officer belongs.

The advantages of this plan are numerous; the most prominent, only, can be alluded to. The character and peculiar abilities of every officer are known to the grade to which he belongs, and, therefore, its opinion rests upon certain knowledge; as none could advance himself, there could be no inducement to withhold a correct verdict; personal prejudices, enmities, and partialities would be neutralized in the decision of the entire grade — there would be no undue dependence of officer upon officer, and none of commanding upon

subordinate grades, as each officer would owe his promotion to his equal, and not to those below or above him; there would be a beneficial influence upon character and constant stimulus to improvement, because one promotion would not determine others, but every step must, as in civil life, be won from the good opinion of the community to which the individual belongs; and this is an influence from which no man should be released.

Present Wants and Future Glory.

To create a republican navy, therefore, it is necessary to remodel our whole establishment.

To throw its commissions open to the whole community, selecting for the public service, only those who upon proper investigation, are found to have most fitness.

This is no great innovation, as necessity has compelled its adoption in relation to two corps of the navy, as the only plan to fill them with competent officers. I allude to the medical and engineer corps; as family

or political influence cannot give capacity for the duties of these corps, so these influences can gain no one admission to them. All have the right of competing, and frequently, those of wealth and station, are excluded by the superior claims of those who have raised their fortunes from the friendless gloom of obscurity.

Next, we want a plan of elevation to the higher grades which shall be independent of seniority, or any other mere accident, and the mode of selection committed to a body at once informed upon the subject, and free from the bias of partiality and prejudice.

Then we want a code of laws framed upon the character of the age, the people, the country, and its institutions, and finally,

A judicial tribunal, which shall be instructed in the nature of law and evidence — the best mode of interpreting the one, and investigating the other; which shall form its judgment free from the bias of caste, station, rank, grade, with all their conflicting sympathies, prejudices and interests.

Glorious sea-fights have given victory to all forms of governments and institutions, from the time of that

of pagan Athenians and pagan Persians, at Salamis, down to the present hour. Two hundred years ago, the Dutchman, Von Tromp, with a broom at his mast-head, insolently swept the British Channel. Much less than that, English and Dutch fleets succumbed to the naval power of a despotic Bourbon.

And then we have the whole pile of British glory, St. Vincent and Camperdown, the Nile and Trafalgar, with our own seventeen naval victories, one of which* with its booming cannon shook the air of this spot, all gained under an organization embodying, not only the spirit of monarchy and aristocracy, but that of feudal barbarism.

Are these victories a reason for returning to paganism, to political and civil institutions of the days of the Armada? Do they present a sufficient reason for keeping our navy under the principles which we cast off and far away in 1776?

Shall it not rather be brought up to a level with the country to which it belongs, as that country now

* Lake Erie.

is, and be to other navies, as this republic is to other nations, a star in the west for their light and guidance? Manned by those who, humble in position and duties, were yet animated by the consciousness of an ennobling republican citizenship, with its rights and its protections, the navy would be a fitting instrument in the sublime contest in which is yet to be won its highest renown — that coming struggle between despotism and constitutional government — and no stain of degradation will then accompany the glories of our flag.

The loud and million-mouthed shout which welcomes the tidings of each ocean triumph, will not be the outburst of that animal exultation which equally greets the victor mastiff at the bull-fight, or bear-bait; nor will it be swelled alone by the glory of national power — the pride of conquest adding other stars to our constellation. It will burst from our shores over their boundary oceans, and be echoed from the hearts of hoping men of all nations, who will hear the roar of your victorious cannon, proclaiming the spread of our political light over the darkness of despotism and illumining all institutions of government, on sea or shore.

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"'OLD ZACH!' 'OLD ZACH!' the war cry rattles
Among those men of iron tread,
As rung 'OLD FRITZ' in Europe's battles
When thus his host Great Frederick led."

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